



CITY OF BURLINGTON
Committee of the Whole Minutes
Jeannie Hefty, Mayor
Diahnn Halbach, City Clerk
Tuesday, May 17, 2016

1. Call to Order/Roll Call

Mayor Jeannie Hefty called the meeting to order at 6:35 p.m. starting with roll call. Aldermen present: Ed Johnson, John Ekes, Bob Grandi, Ruth Dawidziak, Tom Vos, Jon Schultz, Tom Preusker and Todd Bauman. Excused: None.

Student Representatives Present: Shiyue Xie. Student Representatives Excused: Abigail Sibilski.

Also present: City Administrator Carina Walters, Director of Administrative Services Megan Watkins, City Attorney John Bjelajac, DPW Director James Bergles, Building Inspector Gregory Guidry, and Tom Foht of Kapur & Associates.

2. Citizens Comments and Questions

No comments.

3. Approval of Minutes from May 3, 2016

A motion was made by Grandi with a second by Ekes to approve the minutes from May 3, 2016. With all in favor, the motion carried to approve the minutes.

4. Topic: Discussion to consider a request to amend the municipal code to allow chickens to be raised in the City of Burlington.

Mayor Hefty introduced the topic and then handed it over to Megan Watkins for further information. Watkins stated that Burlington resident, Angela Schenk, had approached Council at the April 6, 2016 Committee of the Whole meeting to inquire about allowing chickens in the City of Burlington and confirmed that Mrs. Schenk was in attendance. Watkins then reviewed the packet material regarding the pros and cons of urban chickens, a survey regarding opinions about allowing chickens within city limits, and information from other communities who allow and don't allow chickens in their communities. Watkins also informed everyone that Leigh Presley from the UW Cooperative Extension was also in attendance to answer any questions as well.

Mayor Hefty asked Schenk if she had anything else to add. Schenk responded stated that she didn't have anything more to add than what she wrote in her letter to Council but just hoped that council would consider this amendment.

Schultz asked how the chickens are disposed of when "their time is up". Tracy Lazarro, 365 Woodland Court, Burlington, stated that there is a farm outside of town that offers to exchange older chickens for younger chickens. Lazarro also stated that she contacted veterinarians in the area to see if they treated chickens and she was able to locate two local vets whom offer such services.

Dawidziak stated that she received a lot of feedback from residents, and although there might be people who will take good care of their chickens, there was also much concern about the potential of people not taking good care of them and that many city lots are not large enough to accommodate them. Dawidziak also stated the concern of enforcement and monitoring of chicken coops when the City already has a hard enough time keeping up with ordinances that are already in place.

Grandi stated that he also had many concerns from residents and feels the requirements to maintain and enforce would be extensive and more education would definitely be needed. Grandi further stated that he cannot support amending this Ordinance.

Johnson agreed with Dawidziak and also feels there would need to be a way to control and enforce regulations.

Tom Steffy, 125 Clover Drive, stated that his concern are the people who are new at raising chickens and don't fully understand what to expect will cause issues with unkempt coops, potential attraction from predators, and disgruntled neighbors. Steffy further stated that raising chickens can be expected in rural areas, but should not be allowed within city limits.

Vos inquired as to whether or not a provisional type license can be issued. Watkins replied that some communities have offered a trial period and have also revoked licenses of those in violation of the regulations.

Schultz stated that he supports amending the ordinance to allow chickens and suggested invoking a one year pilot program. Schultz said he doesn't support telling homeowners what they can and cannot do on their own property and feels chickens would be less intrusive than barking dogs. Schultz further stated that other communities that allow chickens have few, if any, complaints and the city should error on the side of giving people a chance to do the same in this community.

Dawidziak inquired about Home Owner Association (HOA) laws and if their laws would supersede an ordinance that would allow chickens. Attorney Bjelajac responded that it would be entirely up to the HOA and varies from subdivision to subdivision, but most HOA's have their own restrictive covenants with exclusive rules and regulations that would allow their residents to be more restrictive, but not less than the city ordinance dictates.

Paul Newbury, 1416 Isabel Lane, was opposed to the amending the ordinance and stated that trying to manage chickens within the city is another task the city doesn't need to take on. Newbury said there are some people that are not very considerate of their neighbors and that people choose to live in the city because they don't want livestock in their back yards. Newbury further stated that there are farmer markets and nearby farms that people can go to for fresh eggs.

Bauman stated that he has also received much negative feedback from residents and feels the city already has their hands full with ongoing property issues.

Jillian Leighton, 409 W. Market Street, stated she lives in a farmhouse within city limits, she doesn't have any neighbors, and would like to have chickens.

Preusker also stated that he has only been contacted by constituents who are opposed to amending the ordinance to allow chickens due to concerns of noise and smell. Preusker further stated that property rights go both ways and the trade-off for living in the city is to not have to contend with neighboring farm animals.

Johnson also stated that he is not in favor of amending the ordinance, however, would go along with a six month trial period with a permit.

Ekes stated that based on constituent comments, he also is not in favor of allowing chickens in the city. Ekes said that he has experience with chickens and they smell and make noise. Ekes is not in favor of a trial period.

Schultz asked what the next steps that need to be taken are. Walters responded that consensus from Council is needed to decide what to do next, whether it be to proceed with taking steps to draft an amendment to the ordinance or to not proceed at all.

Attorney Bjelajac suggested Council comment with a “proceed” or “not proceed” to draft an amendment to the ordinance. Ekes, Grandi, Dawidziak, Preusker, and Bauman commented to not proceed. Johnson, Vos, and Schultz commented to proceed. With the majority being to not proceed, it was determined that an amendment to the ordinance would not be drafted.

Schultz suggested that residents who are in favor of allowing chickens, contact their alderman.

There was no further discussion.

5. **Topic:** Discussion to consider amending the Official Traffic Map to change the time limit from 24 hours to 3 hours in the downtown city parking lot, also known as the Livery Lot.

Mayor Hefty introduced discussion of the Livery Lot. Walters gave a brief history and overview of this ordinance, stating that a number of requests have come in over the past seventeen years regarding time limitations in this parking lot, all of which have been tabled. The latest request to review this once again was from Fred Mabson, owner of Fred’s Parkview.

Mabson stated that parking in the downtown area continues to be a struggle and that business owners and employees who are taking up parking spaces, instead of utilizing the parking garage, are hurting retail business. Mabson also stated that many people do not park in the parking garage because of vandalism and not feeling safe, and suggested surveillance cameras be installed.

Vos agreed with Mabson and stated he is in favor of a 3-hour parking limit.

Kevin O’Brien, 560 N. Pine Street, stated that he has elderly tenants who need access to parking and it would be wrong to take away their parking privilege and felt there should be a better way to manage the parking issue.

Schultz stated that he is not interested in this as an isolated issue contained to just the Livery Lot, but feels it should be looked at as an overall picture in accordance with the downtown strategic plan, and all downtown parking should be reviewed and needs better enforcement overall.

Dawidziak agreed that the existing parking restrictions need to be enforced.

Mabson asked if permits could be issued to residents and tenants.

Ekes and Grandi agreed with needing to look at the bigger picture. Preusker agreed as well, but also understands the four different uses (tenants, employees, business owners, and customers) and feels there needs to be a plan that will accommodate everyone.

Walters that there are many unanswered questions and it might be a good idea to obtain some outside help to gather more facts in order to bring forward. Mayor Hefty directed staff to draw up a plan.

6. Topic: Discussion regarding the Strategic Plan Initiatives Update.

Mayor Hefty introduced the discussion regarding the update of the Strategic Plan Initiative and then handed it over to Walters. Walters provided an overview of the five points being worked on, which are financial sustainability, economic development, infrastructure maintenance and expansion, a competitive workforce, and citizen engagement.

7. Topic: Resolution 4786(5) to consider approving the purchase of a squad car for the Burlington Police Department from Miller Motors in the amount of \$26,641 plus tax, title, and license fees.

Mayor Hefty introduced Resolution 4786(5) and then handed it over to Chief Anderson for further information.

Anderson explained that in 2015, two vehicles were submitted for replacement but only one was approved and that this request is for the other vehicle, which is now accumulating repair costs in excess of \$1650 and has 96,000 miles on it. Anderson said that this vehicle would be traded in to off-set the cost of the new patrol vehicle.

8. Topic: Resolution 4787(6) to consider approving an agreement with Graef to provide Municipal City Planner Services.

Mayor Hefty introduced Resolution 4787(6) and then handed it over to Walters for further information.

Walters explained that staff released a Request for Proposals (RFP) on February 15, 2016 to replace Patrick Meehan as our city planner, due to his decision to retire after nearly thirty years with the City. Three proposals were received from Graef, Mead & Hunt, and MDROffers Consulting. Staff interviewed the three firms and through those discussions, Graef was selected to act as the City Planner and comes with many great reviews from surrounding communities.

9. Topic: Resolution 4788(7) to consider approving Combined Discharge of Sewerage Effluent Easement Agreement with Applied Material Solutions (AMS) at 2100 S. Pine Street.

Mayor Hefty introduced Resolution 4788(7) and then handed it over to Walters for further discussion. Walters introduced Laura Million of the Racine Economic Development Corporation (RECDC), who further explained the company's background and future plans.

Million explained that AMS's goal is to bring 150 new jobs to the City of Burlington and estimates spending 3.4 million dollars in renovation costs. Bjelajac further commented that AMS has been a pleasure to work with and is completely satisfied with the written agreement.

Bergles explained that this easement agreement is phase two of the project and allows for AMS to discharge treated effluent to the WWTP discharge line at the rear of the WWTP property. Bergles further explained that this connection is critical to AMS, as it will reduce the overall wastewater product being introduced into the City's treatment plant and will reduce water billing to AMS while still creating a mutually beneficial partnership between the City and

AMS. Bergles added that AMS has been issued a Wisconsin Pollutant Discharge Elimination System Permit (WPDES) permit from the Wisconsin Department of Natural Resources which has set limits for their final effluent and will be monitored on a regular basis in order stay in compliance with DNR regulations.

- 10. Topic:** Resolution 4789(8) to consider authorizing the City of Burlington to enter into a design contract with Baxter & Woodman for the Well #11 Radium Improvement Project for the not-to-exceed amount of \$78,000.

Mayor Hefty introduced Resolution 4789(8) and then handed it over to Jim Bergles for further information. Bergles reviewed the background history of Well #11 and recommended moving forward in order to bring this well back online.

Schultz asked if this resolution was just to approve the cost to complete the design work and nothing else. Bergles confirmed that the projected cost of \$78,000 will be used to cover the design and submit the paperwork on the upgrade process the City chooses to pursue. Bergles added that the design cost can be recovered from the Clean Water Fund Loan providing a Reimbursement Resolution for payment is submitted before applying for the Clean Water Fund Loan from the Wisconsin DNR.

Doug Snyder, Baxter & Woodman, added that the plan must be submitted to the DNR before June 30, 2016 in order to obtain funding for 2017. Snyder said that he would be back to give council an update with DNR comments and/or changes in the near future.

- 11. Topic:** Resolution 4790(9) to consider a Letter of Engagement with Ehlers to provide financing services with the Safe Drinking Water Fund Loan application in the amount of \$7,500.

Mayor Hefty introduced Resolution 4790(9) and then handed it over to Steve DeQuaker for further discussion. DeQuaker explained the Scope of Services from Ehlers is related to Well #11 Radium Removal Project through the State of Wisconsin Safe Drinking Water Fund (SDWF) Loan process, which must be submitted to the DNR by June 30, 2016.

- 12. Topic:** Motion 16-838 to consider the annual insurance renewal with Zarek Insurance.

Mayor Hefty introduced Motion 16-838 and then handed it over to Walters for further information. Walters explained that Zarek has been the City's broker for several years and provides worker compensation and general liability insurance, and covers the city against losses incurred from injuries occurring on city property. Walters further explained that staff has been attending ongoing training in an effort to improve safety and reduce insurance claims and as a result, the total premium has decreased by 3.54 percent. Walters stated that staff recommends approval of the renewal.

- 13. Topic:** Motion 16-839 to consider approving an Airport Hangar Lease with Burlington Development Group, 707 Airport Road, at the Municipal Airport.

Mayor Hefty introduced Motion 16-839. Walters then introduced Gary Meisner, Airport Manager at the Municipal Airport. Meisner explained the lease agreement.

14. Adjourn

A motion was made by Vos with a second by Preusker to adjourn the meeting. With all in favor, the meeting adjourned at 8:44 p.m.

Minutes respectfully submitted by:

Diahnn C. Halbach
City Clerk
City of Burlington